REMARKS

The Examiner is thanked for the comments in the Advisory Action. It is our understanding that claims 1-34 remain pending in this application.

Applicant respectfully asks the Examiner to reconsider the remarks in Applicant's Response dated 01/08/2008 (in reply to the Action dated 09/17/2007). In addition, Applicant requests consideration of the following new remarks in reply to the Examiner's comments in the Advisory Action dated 01/22/2008.

The Advisory Action addresses our arguments on only one major claim element, stating:

> *Applicant argues that "what Applicant's originator identifier might be considered as is irrelevant. What is relevant here is whether Garib teaches or reasonably suggests Applicant's originator identifier, and the language of the Action quoted above does not support that" ... - i.e. the email includes an authenticity mark including originator identifier and encrypted data.*

However, as is well known, the *prima facie* cases for anticipation and obviousness both require showings by the Office that all claim elements/limitations are present in the cited references. In the Action, dated 05/24/2007, the Examiner appears to have stated *prima facie* cases. But in our Response, dated 09/22/2007, we rebutted these with respect to at least four of the major claim elements/limitations. In the Action (final), dated 09/17/2007, the Examiner further argued only one element/limitation and, as can be seen in the quote above, the present Advisory again argues only that one element/limitation. This leaves it un-rebutted in the record that the references do not teach or reasonably suggest at least the other three major elements/limitations. The Office has thus failed to establish *prima facie* cases for the rejections.

Turning to the "*originator identifier*" element/limitation again, we urge again that this is not taught or reasonably suggested by the references. The Advisory Action states:

> *Examiner notes, according to MPEP 2111, the broadest and reasonable claim interpretations must be made by the Examiner, such that (a) authenticity mark is interpreted as an entity that is marked for authentication purpose, ...*

However, here an "*authenticity mark*" is what it is stated in the claims to be – and that is something included in an email and which itself includes an originator identifier and encrypted data. Applicant has repeatedly shown, in detail, that Office's analysis of the originator identifier is flawed (procedurally wrong by improper reliance on Official Notice and substantively wrong by reliance on the references for support not present in them). Furthermore, the references do not teach or reasonably suggest encrypted data that has any relevance in context here.

The Advisory Action further states "*(b) a digital signature can serve the purpose as an originator identifier ....*" In the abstract and in general, we agree, but a digital signature alone cannot serve this purpose and the Office has not shown that the references teach or reasonably suggest its use for that or the other elements/limitations necessary to achieve that.

The Advisory Action also further states:

> *(c) Garib teaches "authenticity means that the recipient can be reasonably assured of the identity of the sender (i.e., that the received message was actually sent by the party who claims to be the sender), where digital signature methods, as known in the art, can be used to ensure the authenticity of a message ...*

We respectfully again ask the Examiner to appreciate that authentication and origin are not synonymous, as evidenced by spam email where the content is authentic and the origin is not.

And the Advisory Action additionally states "*Garib also teaches "the message hash value is appended to the unencrypted message and is ....*" And again we note that the claims do not recite and the present invention does not require a hash. By the plain language of the Office Actions and here again in the Advisory Action it can be seen that Applicant's claimed invention is, at the very least, a patentable improvement over the prior art.

Finally, we again note that the Examiner has still not clarified or withdrawn his comments in the Action (final), dated 09/17/2007, where Official Notice was improperly taken and which Applicant has specifically challenged (MPEP 2144.03).

CONCLUSION

Applicant has endeavored to put this case into complete condition for allowance. It is thought that the §102 rejection is shown to be unfounded on the prior art reference cited and that the §103 rejections have been completely rebutted. Applicant therefore asks that all objections and rejections now be withdrawn and that allowance of all claims presently in the case be granted.

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Respectfully Submitted,

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